

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:17cr105
)	
CHARLES MCCLUNG,)	
)	
Defendant.)	

MOTION TO CONTINUE SENTENCING

Comes now the United States of America, by and through its attorneys, Dana J. Boente, United States Attorney, and Elizabeth M. Yusi, Assistant United States Attorney (AUSA), and respectfully moves the Court to continue the sentencing of defendant CHARLES MCCLUNG due to a trial conflict in the United States' schedule. In support thereof, the government avers the following:

1. On September 12, 2017, the defendant came before the Honorable Magistrate Judge Robert J. Krask and pleaded guilty to Count Three of the pending indictment, charging him with Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2). The crime involves a punishment of at least five (5) years in prison.
2. At that hearing, the Court scheduled defendant's sentencing for 10:00 A.M. on January 17, 2018.
3. After the plea hearing, the undersigned AUSA had a trial with the Honorable Judge Henry Coke Morgan rescheduled to begin at 10:00 A.M. on January 16, 2018, in *United State v. Robert Michael Fall*, 2:17cr12. The undersigned AUSA is the sole government counsel assigned to the trial.

4. It has become apparent to the United States that defendant Fall's trial will be going forward as scheduled on January 16, 2018, and it will not be concluded prior to January 17, 2018.

5. The undersigned counsel for the government is the only government counsel familiar with defendant MCCLUNG's investigation and prosecution.

6. Because of this conflicting scheduled trial, the government is asking for a brief continuance of defendant's sentencing.

7. The undersigned has spoken to defendant's counsel and the U.S. Probation Officer assigned to this matter, and neither have any objection to this motion.

8. Should the Court grant the government's motion, there should be no prejudice to the defendant, as he is out on bond pending sentencing.

For all of these reasons, the government respectfully requests the Court order that the sentencing be continued to a later time and date.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Stephen Pfeiffer, Esq.
Adam Carroll, Esq.

I FURTHER CERTIFY that on this 28th day of December, 2017, I caused a true and correct copy of the foregoing to be e-mailed to the following:

Karen Franklin
U.S. Probation Officer

/s/ Elizabeth M. Yusi

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